

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

**In re: BRIDGESTONE/FIRESTONE, INC.,        ) Master File No. IP 00-9373-C-B/S  
TIRES PRODUCTS LIABILITY LITIGATION ) MDL NO. 1373  
\_\_\_\_\_)  
THIS DOCUMENT RELATES TO ALL        )  
ACTIONS                                        )**

**ENTRY FOR AUGUST 29, 2002**

The parties appeared, by counsel, this date for a telephonic discovery conference, during which the following was discussed:

1. Counsel for Ford reported that the hard copies of those documents for which Ford has withdrawn its claim of privilege will be forwarded to plaintiffs' counsel by the middle of next week.
2. The defendants confirmed that a copy of the tax authorization form in its final format was sent to Victor Diaz, counsel for plaintiffs, and, inasmuch as he is unable to locate it, agreed to fax him another copy of it.
3. The parties have determined that they are unable to agree upon which First Wave foreign accident cases should be placed on an expedited schedule. Therefore, to the extent they have not done so already, the parties will report their individual choices to the magistrate judge by September 3, 2002.
4. Mr. Diaz reported his intention to file an objection on behalf of the plaintiffs to Ford's recent filing indicating that it adopts the case-specific expert witness reports served by Firestone.
5. A dispute regarding the scheduling of expert witness Nathaniel Fentress's deposition will be resolved by the rescheduling of Dr. Lasaga's deposition to a

later date, so that Mr. Fentress may be deposed on September 25<sup>th</sup>.

6. The case-specific depositions of Mr. Baumgardner have been scheduled for September 11-13, 2002. The issue of whether the defendants are required to complete their case-specific questioning of Mr. Baumgardner for all of Mr. Diaz's cases in which he has been named an expert during those three days was discussed at length. The magistrate judge noted that the defendants are entitled to depose Mr. Baumgardner for up to 2½ hours about each accident, and that she fully trusts that the defendants will take only as much time as they need for each accident. If after the first day of depositions, Mr. Diaz believes the defendants are acting unreasonably in their questioning of Mr. Baumgardner, the parties may contact the magistrate judge for assistance. However, it appears unlikely to the magistrate judge that three days will be sufficient to complete Mr. Baumgardner's deposition for all of Mr. Diaz's cases.
7. Firestone is arranging for one of its experts to examine the partial tread that is still on the vehicle in the *David* case, and will advise Mr. Diaz by Friday, September 6, 2002, who will be conducting that examination and on what date.
8. The parties are granted a 21-day extension to complete the police officer depositions in the *Campos* case, due to the need to arrange for videoconferencing facilities in Mexico. Further, the parties are granted until Friday, September 6, 2002, to complete the depositions that were postponed due to the effects of inclement weather on the videoconferencing equipment.
9. The parties agreed to expedite the payment of physicians for their deposition time

by having the physician complete a voucher indicating the amount owed at the conclusion of the deposition. Payment will then be made to the physician within five business days.

10. Mr. Diaz inquired whether Firestone has an inventory of 15-inch and 16-inch Venezuelan manufactured tires and, if so, whether it is possible for the plaintiffs to obtain twelve of each within the next two weeks. Firestone's counsel agreed to check on the availability of such tires and promptly inform Mr. Diaz, so that he can make the appropriate arrangements to have the tires shipped to him.
11. Ford reports that Ed Martinez, whom it has named as an accident reconstructionist in numerous cases, recently passed away unexpectedly. Ford is granted leave to name a new accident reconstructionist within a reasonable time.
12. The defendants will provide plaintiffs with suggested dates for the depositions of the defendants' case specific experts in the First Wave foreign accident cases by September 12, 2002.
13. The next telephonic discovery conference is scheduled for **Monday, September 9, 2002, from 11:00 a.m. until noon**. Counsel for Firestone shall arrange the call and shall inform liaison counsel and the magistrate judge of the arrangements.

ENTERED this \_\_\_\_\_ day of September 2002.

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V. Sue Shields  
United States Magistrate Judge  
Southern District of Indiana

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